



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted via email

November 27, 2019

The Honorable Ruben Gallego
Chairman
Subcommittee on the Indigenous People of the
United States
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Paul Cook
Ranking Member
Subcommittee on the Indigenous People of the
United States
1324 Longworth House Office Building
Washington, DC 20515

Re: Opposition to H.R. 1964, the Lumbee Recognition Act

Dear Chairman Gallego and Ranking Member Cook,

We write on behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) to voice our opposition to H.R. 1964, *the Lumbee Recognition Act*. USET SPF has long maintained its opposition to Lumbee recognition via Act of Congress and wishes to reiterate its position, as well as to urge the rejection of H.R. 1964.

USET SPF represents 30 federally-recognized Tribal Nations from the Canadian Border to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to enhancing the development of Tribal Nations, to improving the capabilities of Tribal governments, and assisting the USET SPF Member Tribal Nations in dealing effectively with public policy issues and in serving the broad needs of Indian people.

USET SPF, as indicated through previous Congressional testimony and organizational resolutions, supports the use of the Federal Acknowledgement Process (FAP), administered by the Department of the Interior, for determining whether Indian groups should be federally recognized. This method, based upon criteria recommended by the American Indian Policy Review Commission, provides for an orderly process, administered by experts, such as ethno-historians, genealogists, anthropologists, and other technical staff. The Lumbee should seek recognition through this process.

While previously the Interior Solicitor opined that the Lumbees were not eligible to go through the FAP, the most recent Solicitor's opinion, issued on December 22, 2016, reversed that earlier finding stating that the

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe – Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Lumbee can do so, and so it appears they have an alternative and more appropriate pathway to follow. Memorandum from Hilary C. Tompkins, Interior Solicitor to the Secretary of the Interior (M-37040, Dec. 22, 2016).

In the past, Congress has considered and rightly rejected numerous Lumbee recognition bills. USET SPF encourages Congress to again reject the Lumbee recognition bill, which is the subject of the House Natural Resources Subcommittee on Indigenous Peoples of the United States hearing, scheduled for December 4th. We thank you for your consideration of this request. Should you have questions or require further information, please do not hesitate to contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at: Lmalerba@usetinc.org or 202-624-3550.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Francis', with a long horizontal flourish extending to the right.

Kirk Francis
President

A handwritten signature in black ink, appearing to read 'K. A. Carroll', with a long horizontal flourish extending to the right.

Kitcki A. Carroll
Executive Director